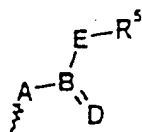


- B is either carbon or sulfur, or  $-(S=O)-$ ;
- D is oxygen, sulfur,  $CH_2$  or  $N-Z$ , where D can only be S or  $CH_2$  if B is carbon;
- E is a bond, or  $(CH_2)_m-$ ,  $-O-$ ,  $-S-$ ,  $-(N-Z)-$ , where m and Z have the same meanings as above; wherein  $R^5$  is pyridyl which may be optionally mono or polyunsubstituted, comprising the step of converting the substructure



of a first compound according to formula 1 into a different substructure to form a second compound according to Formula 1.

26. The method of claim 21, wherein  $R^5$  is substituted with one or two halogens.
27. The method of claim 25, wherein  $R^5$  is substituted with one or two halogens.

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### REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-20 have been cancelled and claims 21-27 are presented. These claims generally correspond to original claims 5-9, modified to reflect the earlier restriction requirement. It is noted that the Examiner indicated that claims 5-9 could be prosecuted along with the elected claims and it is respectfully requested Applicants be allowed to do so. It is noted that the Examiner withdrew claims 5-9; however, it was believed that election of a chemical species for prosecution satisfied the Examiner's requirement, as the process would be limited to production of the elected species. If a further process species is required, the amendments to the claims render moot the obviousness-type double patenting rejections. Thus, no terminal disclaimer has been filed.

It is also believed that the § 101 rejection of claims over the '523 patent are rendered moot.

As to the rejection of claims as allegedly obvious over 6,008,231, it is respectfully submitted that there is no hint or suggestion of cleaving of the R7 leaving group that enables manufacture of the claimed compounds. It is also believed that the rejection of claims for having improper Markush groups has been overcome.

The Examiner is also requested to indicate entry of the Supplemental Amendment mailed November 15, 2002 which corrects a translational error.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0624, under Order No. NY-HUBR 1203.2-CONT-US. A duplicate copy of this paper is enclosed.

Dated: February 18, 2003

Respectfully submitted,

By 

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